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09/709,030	11/08/2000	Donald F. Gordon	19880-003700	2569

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ART UNIT	PAPER NUMBER
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DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 June 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19,21 and 22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19,21 and 22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims have been considered but are moot

in view of the new ground(s) of rejection.

The examiner has cited U.S. Patent 6,779,195 to Oishi to teach the use of PMT

and PATs.

Applicants failure to traverse the Official Notices taken in the previous office

action are taken as admission of prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 5, 7-8, and 10-13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 6,173,330 to Guo in view of U.S. Patent 6,779,195 to

Oishi.

Regarding claims 1 and 13, Guo discloses a method for maintaining records of

information related to an interactive program guide provided via a plurality of IPG pages

(column 3, line 61-column 4, line 14), the method comprising:

forming a plurality of record elements (column 5, lines 17-37), wherein each

record element is associated with a respective IPG page received at a terminal (column

5, lines 17-37, column 17, line 41- column 18, line 9).

Guo inherently includes a first field indicative of a specific one of the plurality of

IPG pages corresponding to the associated IPG page, as Guo shows in figure 5, that

foundation pages, and schedule listing/description pages all carry different types of

data, thus a field is required in order for a receiver to know where to place each type of

data within an EPG screen.

Guo fails to disclose generating a PMT to identify video audio and data PIDs

associated with each IPG page, generating a PAT to identify PIDs for the PMT

associated with the IPG pages.

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify

audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5,

line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs

for the PMT for the EPG pages via the Event Information tables(column 4, line 47-,

column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13,

line 22, figure 5), thus enabling a STB to easy find requested programming content and

making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Guo to utilize the MPEG2 PAT and PMT's of Oishi for the advantage of offering high quality video, and making it easy for a STB to look up requested programming.

Regarding claims 5 and 7, Guo lists that PIDs correspond to each IPG program record page (column 3, lines 61-column 4, line 2, column 5, lines 17-51, column 18, lines 1-8), and that a display IPG consists of a plurality of IPG pages including description pages for a record (column 5, lines 20-27, column 18, lines 1-8).

Regarding claim 8, Guo lists that PIDs correspond to each IPG program record page (column 3, lines 61-column 4, line 2, column 5, lines 17-51, column 18, lines 1-8).

The combination of Guo and Oishi fails to disclose a field in a record referencing a data PID.

The examiner takes official notice that the use of a PID associated with Data, such as Internet/web data is notoriously well known in the art. Data PIDS allow for the transmission of data over the same data pathway as video.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Guo and Oishi to utilize a PID associated with Data, thus facilitating the rapid selection of a requested transport stream.

Regarding claim 10, Guo discloses that the records are generated at a server

916 of an information distribution system (Figure 9, column 15, lines 36-67).

Regarding claim 11, Guo discloses that the records may be generated as trickle

data for transmission to a user (column 15, line 64-column 16, line 15).

Regarding claim 12, Guo discloses that the data may be transmitted from the

server via a data stream (column 16, lines 21-24).

3.   Claims 18, 19, and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 5,844,620 to Coleman in view of U.S. Patent 6,779,195

to Oishi.

Regarding claim 18, Coleman discloses, a terminal (Figure 2) operable to

process information for an IPG provided via a plurality of IPG pages (column 13, lines

37-47, column 14, lines 52-67),

the terminal comprising:

a controller 36 coupled to memory manager 48 configured to receive a selection

for a particular IPG page (column 13, line 62-column 14, line 7) ,

determine whether the selected IPG page is currently received at

the terminal (column 14, lines 7-22), and if the selected IPG page is currently received

at the terminal, identify one or more packet identifiers used for the selected IPG page

(column 14, lines 30-62); and

a video decoder 52 operatively coupled to the controller and configured to

process the one or more identified PIDs to form the selected IPG page (column 14,m

lines 30-46).

Coleman fails to disclose storing PMT and PAT which identify the PIDs for an

EPG page in the memory.

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify

audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5,

line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs

for the PMT for the EPG pages via the Event Information tables(column 4, line 47-,

column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13,

line 22, figure 5), this data is demultiplexed by a demultiplexer 109 and supplied to the

controller (column 109, lines 25-39) thus enabling a STB to easy find requested

programming content.

Oishi inherently includes memory to store the PMT and PAT as the data needs to

be in memory in order to manipulated.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Coleman to utilize the MPEG2 PAT and PMT's of Oishi for the

advantage of making it easy for a STB to look up requested programming.

Regarding claim 19, Coleman discloses that a request is generated for

transmission on a demand stream if the selected IPG page is not stored at the terminal

(column 6, lines 30-47, column 14, lines 2-22).

Regarding claim 21, Coleman discloses that each foundation IPG page includes

a plurality of defined regions (column 18, lines 27-47) and wherein each record element

identifies one or more PIDs used to send one or more respective regions of the selected

IPG page (column 14, lines 20-41).

4.   Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 6,173,330 to Guo in view of U.S. Patent 6,779,195 to Oishi in further view of U.S.

Patent 6,728,966 to Arsenault.

Regarding claims 2 and 4, Guo discloses a method for transmitting EPG data.

The combination of Guo and Oishi does not disclose updating the records to

reflect changes in EPG pages and removing existing record elements for a page

previously but no longer received at the terminal.

Arsenault discloses that EPG objects may be updated and that previous objects

associated with previously displayed shows may be removed to conserve memory and

create a flexible and memory efficient storage system (column 9, lines 41-54).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Guo and Oishi to update the EPG database and delete records corresponding to previously broadcasted shows, in order to conserve memory in a receiver and provide a flexible and memory efficient storage system.

Regarding claim 3, Guo discloses that new record elements are inserted for each data page received (column 17, lines 56-column 18, line 7).

5.   Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,173,330 to Guo in view of U.S. Patent 6,779,195 to Oishi in further view of U.S. Patent 6,802,074 to Mitsui.

Regarding claims 6 and 9, Guo discloses an EPG, which utilizes PIDs to carry data records.

Guo is silent regarding the use of fields identifying PIDs for audio and video streams.

Mitsui discloses referencing an EPG to find a PAT, which then identifies the corresponding PIDs for video and audio streams for a broadcast program (column 7, lines 17-44).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Guo's program records to reference the location of each programs

video and audio streams as taught by Mitsui in order to enable a receiver to rapidly tune

to the proper transport stream.

6.   Claims 14-17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent 5,844,620 to Coleman in view of U.S. Patent 6,779,195 to Oishi in

view of U.S. Patent 6,526,577 to Knudson.

        Regarding claim 14, Coleman discloses method for providing information for an

interactive program guide wherein the IPG is provided via a plurality of IPG pages

(column 7, lines 43-53column 14, lines 42-52), the method comprising:

        Generating a request for a particular IPG page (column 6, lines 39-43, column

18, lines 27-47);

        assigning a packet identifier (PID) for the IPG pages (column 43-52)

        transmitting the IPG pages to a requesting terminal via the assigned PID (column

6, lines 30-47);

        generating a record element indicative of the transmitted IPG page (column 14,

lines 63-66); and

        transmitting the record element to the requesting terminal (column 14, lines 30-

62).

        Coleman fails to disclose receiving a request for IPG data at a server, but instead

retrieves the requested data from a recurring data stream. Coleman also fails to

disclose generating a PMT to identify video audio and data packet identifies associated

with each EPG page, and generating a PAT to identify PIDS for the PMT.

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify

audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5,

line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs

for the PMT for the EPG pages via the Event Information tables(column 4, line 47-,

column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13,

line 22, figure 5), thus enabling a STB to easy find requested programming content and

making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Coleman to utilize the MPEG2 PAT and PMT's of Oishi for the

advantage of offering high quality video, and making it easy for a STB to look up

requested programming.

The combination of Coleman and Oishi fails to disclose receiving a request for

IPG data at a server.

Knudson discloses a client server IPG environment, in which a user device may

issue SQL queries for IPG information to a remote server (column 5, lines 4-39, 57-

column 6, line 16).

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify the combination of Coleman and Oishi to transmit the requested

data as taught by Knudson, thus providing a user with IPG data without having to wait

for data on a cyclical stream to be updated.

Regarding claims 15, Coleman discloses that the IPG page includes a plurality of regions (foundation and schedule/title records, column 14, lines 52-62), and that a request may be for a region on the IPG page (column 6, lines 30-47).

Regarding claim 16, Coleman discloses that the request may be for program listings (column 6, lines 30-47).

Regarding claim 17, Coleman discloses that the requested region comprises a video for a video region of the IPG page (Figure 8, column 22, lines 58-67).

Regarding claim 22, Coleman discloses a system operable to provide information for an interactive program guide (Figure 1), wherein the IPG is provided via a plurality of IPG pages, the system comprising:

a transport stream generator 20 coupled to IPG data processor 20 and configured to assign a packet identifier for the IPG pages (column 6, lines 17-37, column 7, lines 20-27, 42-50),

transmit the requested IPG page to a terminal via the assigned PID (column 6, lines 12-14),

generating a record element indicative of the transmitted IPG page (column 14, lines 63-66); and

transmitting the record element to the requesting terminal (column 14, lines 30-62).

Coleman fails to disclose receiving a request for IPG data at a server, but instead

retrieves the requested data from a recurring data stream. Coleman also fails to

disclose generating a PMT to identify video audio and data packet identifies associated

with each EPG page, and generating a PAT to identify PIDS for the PMT.

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify

audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5,

line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs

for the PMT for the EPG pages via the Event Information tables(column 4, line 47-,

column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13,

line 22, figure 5), thus enabling a STB to easy find requested programming content and

making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Coleman to utilize the MPEG2 PAT and PMT's of Oishi for the

advantage of offering high quality video, and making it easy for a STB to look up

requested programming.

The combination of Coleman and Oishi fails to disclose receiving a request for

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column 6, line 16).

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify the combination of Coleman and Oishi to transmit the requested

data as taught by Knudson, thus providing a user with IPG data without having to wait

for data on a cyclical stream to be updated.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-

272-7298. The examiner can normally be reached on Monday-Friday during normal

business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

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